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In re Application of PIECH et al
U.S. Application No.: 10/088,838
Int. Application No.: PCT/EP99/02716
Int. Filing Date: 22 April 1999
Priority Date: 21 September 1998
Attorney Docket No.: 4598-48PUS
For: MOUNTING ARRANGEMENT OF AN
AUTOMOBILE DRIVE UNIT HAVING A
COMBUSTION ENGINE AND A
TRANSMISSION

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 March 2002.

BACKGROUND

On 22 April 1999, applicant filed international application PCT/EP99/02716, which claimed priority of an earlier Germany application filed 21 September 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 30 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 March 2001.

International application PCT/EP99/02716 became abandoned as to the United States at midnight on 21 March 2001 for failure to pay the basic national fee.

On 21 March 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.


CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The \$130.00 surcharge set forth in 37 CFR 1.492(e) and the \$130.00 processing fee set forth in 37 CFR 1.492(f) will be charged to Deposit Account No. 03-2412 per applicant's authorization.

This application has an international filing date of 22 April 1999 and a date under 35 U.S.C. 371 of 21 March 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


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